



Order Filed on January 11, 2023  
by Clerk

Case No.: ~~17-33517-RG~~  
U.S. Bankruptcy Court  
District of New Jersey

Chapter: 13

Hon. Judge: Rosemary Gambardella

Hearing Date: December 21, at  
10:00AM

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

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Attorneys for Rushmore Loan Management Services,  
LLC as servicer for U.S. Bank Trust National  
Association as trustee for Treehouse Series V Trust

In Re:

Mohammed S. Bhuiyan  
Debtor

**CONSENT ORDER RESOLVING MOTION TO VACATE STAY**

The consent order set forth on the following pages, numbered two (2) through four (4),  
is hereby **ORDERED**.

**DATED: January 11, 2023**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
\_\_\_\_\_  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

Applicant: Rushmore Loan Management Services, LLC as servicer for U.S. Bank Trust National Association as trustee for Treehouse Series V Trust  
Applicant's Counsel: Friedman Vartolo LLP  
Debtor's Counsel: Scura, Wigfield, Heyer & Stevens  
Property (Collateral): 47 Redwood Avenue, Paterson, NJ 07522  
Relief Sought:  
• Relief from Automatic Stay

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor(s) is/are overdue for 39 months, from 09/01/2019 to 11/01/2022.
- ☒ The Debtor(s) is/are overdue for 5 payments at \$955.99 per month
- ☒ The Debtor(s) is/are overdue for 5 payments at \$961.66 per month
- ☒ The Debtor(s) is/are overdue for 4 payments at \$962.72 per month
- ☒ The Debtor(s) is/are overdue for 4 payments at \$983.34 per month
- ☒ The Debtor(s) is/are overdue for 12 payments at \$991.93 per month
- ☒ The Debtor(s) is/are overdue for 9 payments at \$1,035.10 per month
- ☐ The Debtor(s) is/are due for \$0.00 in accrued late charges.
- ☒ The Debtor(s) is/are due for \$200.00 in attorney's fees and costs.
- ☒ Applicant acknowledges suspense funds in the amount of \$204.61

Total Arrearages Due: \$38,586.94

2. Debtor(s) must cure all post-petition arrearages, as follows:

- ☒ Debtor shall enter a loan modification no later than March 22, 2023.
- ☒ Beginning on December 1, 2022, regular monthly mortgage payments shall continue to be made in the amount of \$1,035.10, pursuant to the terms of the Note, Mortgage and/or any future payment change notices. This amount is to be paid to Secured Creditor while the Debtor's loan modification application is pending. pending a Loan Modification.
- ☐ Beginning on \_\_\_\_\_, through and including \_\_\_\_\_, additional monthly cure payments shall be made in the amount of \$ \_\_\_\_\_ for \_\_\_\_\_ months
- ☒ The amount of \$38,586.94 shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a

Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address:

Payments: Rushmore Loan Management Services  
P.O. Box 52708  
Irvine, CA 92619-2708

4. In the event of default:

☒ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than fourteen (14) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

If the debtor fails to acquire a trial loan modification and/or a permanent loan modification in the time prescribed pursuant to Paragraph 2 of this order, then the Debtor must within fourteen (14) days of the default, modify the Chapter 13 plan in order to cure the pre-petition arrears due and owing to the secured pursuant to the Creditor's Proof of Claim, or surrender the property.

☒ In the event the Debtor(s) converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtor(s) fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than fourteen (14) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor(s), and Debtor('s) attorney and the court shall enter an Order granting relief from the Automatic Stay

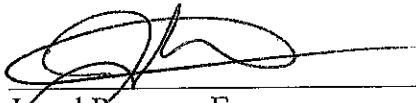
5. Award of Attorney's Fees:

The Applicant is awarded attorney's fees of \$200.00.

The fees and costs are payable:

- ☐ Attorney's fees and costs have been included in the Consent Order.
- ☒ Through the Chapter 13 plan. The fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.
- ☐ To the Secured Creditor within \_\_\_\_\_ days
- ☐ Attorney's fees are not awarded.
- ☐ Movant reserves its right to file a Post-Petition Fee Notice for fees and costs incurred in connection with the Motion for Relief.

The undersigned hereby consent to the form and entry of the foregoing order.

  
\_\_\_\_\_  
Jamal Romero, Esq.  
*Attorney for Debtor*

/s/ Jonathan Schwalb, Esq.  
Jonathan Schwalb, Esq.  
*Attorney for Secured Creditor*